

BILL NO. G-67-03-21

GENERAL ORDINANCE NO. G-92-67

AN ORDINANCE authorizing the grant of certain real estate owned by the City of Fort Wayne to the State of Indiana for highway right-of-way purposes.

WHEREAS, the City of Fort Wayne, Indiana is the owner of certain real estate hereinafter described, which real estate is under the jurisdiction of the Board of Park Commissioners of the City of Fort Wayne; and

WHEREAS, said real estate is not suitable for park purposes because of its size and location; and

WHEREAS, the State of Indiana, through its highway commission, requires said right-of-way to eliminate a hazardous reverse curve in U. S. Highway No. 24 at its intersection with Division Street in the City of Fort Wayne, Indiana; and

WHEREAS, said Indiana State Highway Commission has the right of eminent domain to condemn and acquire said right-of-way; and

WHEREAS, such a grant of right-of-way and improvement thereof is desirable and is beneficial to the City of Fort Wayne;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne, Indiana grant, quitclaim and convey without consideration to the State of Indiana the following described real estate:

Part of Lots 3 through 7, Hanna's Partition Addition to the City of Fort Wayne, Indiana, Plat "B" (as recorded in DEED RECORD BOOK NO. 45, page 20;) described as follows:

Beginning at the Southwest corner of Lot #3, thence Northeastwardly along a 551.0 foot radius to a point of tangency; thence North 73 degrees 30 minutes East 146.84 feet to a point of curvature; thence along a 25 foot radius to the left to the property line of Lot No. 6; thence South 73 degrees 59 minutes East 125 feet along the property line of Lots 6 and 7 to the Northeast corner of Lot #7 thereof; thence due South 50.5 feet to the Southeast corner of Lot #7, thence due West 323 feet to the place of beginning; said property being required by the INDIANA STATE HIGHWAY COMMISSION to correct the hazardous jog at the East end of Lot #7 and Hayden Park; all property not actually used by the HIGHWAY to be returned to the City after construction,

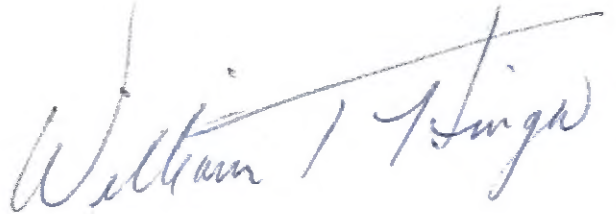
Subject to the following conditions:

1. That the Indiana State Highway Department assumes all risks of any action that may be initiated by any heirs of Frederick J. Hayden and Eliza Hanna Hayden, who as owners of Lot #6 Hanna's Partition, Plat "B", deeded this particular lot to the city of Fort Wayne upon condition that it be used and remain as part of a public park.
2. That all excess dirt and riprap be transported by the contractor to Lakeside Park.
3. That curb lines be filled, graded, and seeded with good soil acceptable to the Park Board.

SECTION 2. That the Mayor of the City of Fort Wayne, in the name of the City, is hereby authorized to execute a right-of-way grant, without consideration, to the State of Indiana, said grant to contain the attestation of the City Clerk and the

seal of the City of Fort Wayne; and this Ordinance shall be and constitute sufficient authority to said Mayor and City Clerk in the premises.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.




APPROVED AS TO FORM
AND LEGALITY, _____

CITY ATTORNEY

Bill No. G-67-03-21

REPORT OF THE COMMITTEE ON ADMINISTRATION & LEGISLATION

We, your Committee on Administration & Legislation to whom was referred an Ordinance
authorizing the grant of certain real estate owned by the City of Fort Wayne to the State
of Indiana for highway right-of-way purposes.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

WILLIAM T. HINGA, Chairman

JOHN H. ROBINSON, Vice-Chairman

JOHN NUCKOLS

HERBERT G. TIPTON

PHIL A. STEIGERWALD.

William T. Hinga
John H. Robinson
John Nuckols
Herbert G. Tipton
Phil A. Steigerwald

CONCURRED IN

DATE 4-11-67 WILLIAM T. HINGA, CITY CLERK

Read the first time, in full and on motion by Hinga seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Adm & Leg (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 3-28/67 Walter Meyers
CITY CLERK

Read the third time in full and on motion by Nuckols seconded by Hinga and duly adopted, placed on its passage.

Passed (~~over~~) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT	to-wit:
<u>9</u>	<u>0</u>	_____	_____	
Buchanan	_____	_____	_____	
Dunifon	_____	_____	_____	
Fay	_____	_____	_____	
Hinga	_____	_____	_____	
Nuckols	_____	_____	_____	
Robinson	_____	_____	_____	
Rousseau	_____	_____	_____	
Steigerwald	_____	_____	_____	
Tipton	_____	_____	_____	

Date 4-11-67 Harold S. Zeis
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)(General)(Annexation)(Special)(Appropriation)~~ Ordinance (Resolution) No. 8-92-67

on the 14 day of April, 1967.

ATTEST: (SEAL) Walter Meyers CITY CLERK Elton J. Rousseau PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of April, 1967 at the hour of 10:00 o'clock A.M., E.S.T. Walter Meyers CITY CLERK

Approved and signed by me this 13th day of April, 1967, at the hour of 9:18 o'clock A.M., E.S.T. Harold S. Zeis MAYOR